

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTSVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants,

CIVIL NO: 3:22-cv-00049-NKM-JCH

**DEFENDANT RICHARD MAST’S NOTICE OF SUPPLEMENTAL FILING IN SUPPORT
OF MOTION FOR PROTECTIVE ORDER**

Defendant Richard Mast hereby gives notice to the Court and to the parties of the attached supplemental filing in support of his motion for protective order (Dkt. No. 345), which was filed as part of his motion to quash/amend subpoena (“Motion”). As reflected in the Motion at note 1, just prior to filing the Motion, Plaintiffs’ counsel informed the undersigned that their clients had received documents from Liberty University in 2023 and subsequently provided those documents to Defendant Mast. (Motion, n.1 at 4-5).

The part of the Motion to quash/amend the subpoena was intended to protect privileged documents not yet produced by Liberty University and sought by Plaintiffs’ February 2024 subpoena. (Ex. 6 to the Motion). That part of the Motion for a protective order sought an “order requiring Plaintiffs’ to sequester any and all documents from Liberty University produced in 2023 that derived from communications to or from Defendant Mast and to provide Defendant Mast at least 30 days to review those documents and to catalogue on a privilege log any of those documents that should be destroyed by Plaintiffs as protected by the ACP or WPD.” (Motion at 10).

Defendant Mast has completed his review of the 2023 Liberty University produced documents, has created a privileged log (“Privilege Log 2023”) specifically for those documents,

and has provided the Privilege Log 2023 to Plaintiffs and requested sequestration until this Court rules on the Motion. Plaintiffs' counsel has informed the undersigned that the Privilege Log 2023 documents have been sequestered and that Plaintiffs oppose the assertion of privilege.

The Privilege Log 2023 will be filed under seal (as Exhibit 7 to the Motion) insofar as, in some instances, the document descriptions include information that would also be privileged and not typically included on a privilege log. They were included in the Privilege Log 2023 because the 2023-produced documents were produced without Bates numbers and a more detailed description was necessary to make clear which documents were at issue and because Plaintiffs have had these documents in their possession for some time in any event. Thus, the Privilege Log 2023 descriptions should be considered privileged as well.

Dated: March 7, 2024

Respectfully submitted,

/s/David Yerushalmi

David Yerushalmi, Esq.*

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: none.

/s/David Yerushalmi
David Yerushalmi, Esq.